



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
VALLAIR SOLUTIONS SARL

Plaintiff,

- against -

321 PRECISION CONVERSIONS LLC

Defendant.
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21-CV-7507 (CM) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves the letter motion filed at Dkt. 162 by Jack Erickson and Erickson Ventures to quash the deposition subpoena issued by Defendant Vallair to Jack Erickson. In responding to the motion, Vallair expresses its “belief” that Mr. Erickson was at the core of decision making involving the issues in this case, and has presented some evidence obtained through discovery somewhat suggestive of such a role. (See Dkt. 163.) It may well be that Mr. Erickson has unique knowledge that cannot be supplied by other deponents. But that still has yet to be determined. As Vallair mentions in its letter, its subpoena scheduled Mr. Erickson’s deposition for a day immediately following the depositions of two other witnesses “so that the deposition would be targeted to address any open topics pertaining to Mr. Erickson’s role and involvement.” (Dkt. 163 at 3.)

Accordingly, the Court will hold the subpoena in abeyance, pending the outcome of those other depositions. After those depositions are taken, the parties shall meet and confer as to whether they agree or not that the deposition of Mr. Erickson should go forward. If the parties disagree, they can raise the issue with the Court by letter. The Court recognizes that most or all depositions are taking place abroad, and that having to further address the Court about Mr. Erickson’s deposition likely would mean that, if the

Court were to compel compliance, the issue of the cost, location, and means of conducting the deposition will be an issue as well. In making that determination, should it come before the Court, the Court will take into account the strength of the parties' positions with respect to the propriety of proceeding, or not proceeding, with Mr. Erickson's deposition.

The Clerk of Court is respectfully requested to terminate the letter motion at Dkt. 162.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: July 14, 2023
New York, New York

Copies transmitted this date to all counsel of record.